THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 15120 OF 2007

Dated 17th July, 2007

Between:

Kollabathula Ratna Babu

…Petitioner

And

Dr. N.T.R.University of Health Sciences,
Vijayawada, represented by its Registrar.

…Respondent.

ORAL ORDER:

In this writ petition, the petitioner – a student – who appeared for EAMCET –2007 seeks a declaration that the action of the respondent in rejecting the application of the petitioner for admission into MBBS/BDS course for the academic year 2007-08 on the ground of underage is illegal and arbitrary.

The date of birth of the petitioner as per school records is 22-2-1991. He appeared for EAMCET-2007 and secured the rank of 21905. Based on the same, the petitioner applied to the respondent-University seeking admission into MBBS/BDS courses for the academic year 2007-08, but his application has been rejected with an endorsement that he is not eligible due to underage.

The Medical Council of India, in exercise of its powers under Section 33 of the Indian Medical Council Act, 1956, framed regulations, namely, Regulations on Undergraduate Medical Education, 1997. In the said regulations, eligibility criteria is notified under Chapter II, as per which, no candidate shall be allowed to be admitted to the medical course i.e. Bachelor of Medicine and Bachelor of Surgery unless one completes the age of 17 years on or before the first July of the year commencing the prescribed academic session of the course. Apart from the same, there are separate set of rules framed by the State in exercise of its powers under the A.P.Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fees) Act, 1983. Even as per the said rules, wherein eligibility criteria is laid, down, a candidate should have completed the age of 17 years on or before 31st of December

of the year of admission.

In this case, the only submission of the learned counsel is that the petitioner was under-aged even to write SSC examination, but, on his representation, he was exempted by the Government. In that view of the matter, there is no reason for rejecting the claim of the petitioner on the ground of underage.

When eligibility criteria is notified by the competent authority i.e. the Medical Council of India by framing regulations and the rules framed in exercise of the powers under the A.P. Educational Institutions (Regulation of Admission and Prohibition of Capitation Fees) Act, 1983 also stipulate that one must complete 17 years of age, there is no illegality in rejecting the application of the petitioner for admission into MBBS/BDS course, as the petitioner who was born on 22.2.1991 did not fulfill the age criterion.

In that view of the matter, I do not find any illegality, which warrants interference in this writ petition. The writ petition is dismissed. No costs.

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17-7-2007

R.SUBHASH REDDY, J.

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